Eight Mile Style, LLC et al v. Apple Computer, Incorporated Doc. 40 Att. 7

EXHIBIT 6

Civil Minutes Re Plaintiffs' Motion to Compel Further Response to Subpoena Served on NonParty Apple Inc. in F.B.T. Productions, LLC et al. v. Aftermath Records, et al., C.D. Cal. Case No. 07-3314 (Docket No. 78)

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 07-3314-PSG (MANx)	Date	April 29, 2008
Title	*F.B.T. Productions, LLC, et al. v. Reel Media International, et al.*		

Present: The Honorable	MARGARET A. NAGLE, UNITED STATES MAGISTRATE JUDGE

E. Carson	CS	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
Paul H. Duvall Mark L. Block	Daniel Scott Schecter Colin B. Vandell

Proceedings:

1. Plaintiffs' and NonParty Apple's Application To File Joint Stipulation Of Plaintiffs F.B.T. Production, LLC, et al. And NonParty Apple Re Plaintiffs' Motion To Compel Further Response To Subpoena Under Seal ("Joint Application")

2. Joint Stipulation Re Plaintiffs' Motion To Compel Further Response To Subpoena Served On NonParty Apple Computers, Inc. ("Plaintiffs' Motion")

The case is called. Paul H. Duvall, of King and Ballow, and Mark L. Block, of Christensen, Glaser, Fink, Jacobs, Weil & Shapiro, appear on behalf of Plaintiffs. Glenn D. Pomerantz and Melinda Eades LeMoine, of Munger, Tolles & Olson, LLP appear on behalf of defendants. Daniel Scott Schecter and Colin B. Vandell, of Latham Watkins, appear on behalf of NonParty Apple Inc. ("Apple").

The Court denies the Joint Application, without prejudice, and orders that by no later than Tuesday, May 6, 2008, counsel for Apple shall file a declaration from an Apple employee **which details sufficient facts** to establish that proprietary, confidential information is set forth in the Joint Stipulation and/or related pleadings that justifies the filing of certain pleadings, or portions thereof, under seal. Pending Apple's submission of that declaration, the Joint Stipulation and related pleadings shall remain lodged under seal and shall not be filed.

The Court hears argument regarding Plaintiffs' Motion, which is granted, in part, and denied, in part, as follows:

Plaintiffs' Motion is tentatively granted with respect to Request No. 1. NonParty Apple shall produce all agreements between UMG and Apple concerning downloads of Plaintiffs' music, and all drafts and communications regarding those agreements, which are maintained in the files of the principal negotiators of these agreements. If documents are withheld on the basis of attorney client privilege or attorney work product doctrine, then a privilege log shall also be prepared and served. Plaintiffs' and Apple's counsel shall meet and confer in a good faith effort to define more clearly the scope of the files to be searched for responsive documents. After the meet and confer

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process, Plaintiffs' counsel shall prepare a proposed order, which accurately reflects the Court's order with respect to the production. That order shall be submitted to Apple's counsel for review, and then lodged with the Court by no later than May 5, 2008.

Plaintiffs' Motion is denied as to Request No. 2 based upon Apple's representation that it does not have any documents regarding the communications between RIAA and Apple sought by this request in its possession or under its control.

Plaintiffs' Motion is denied as to Request No. 3.

Plaintiffs' Motion as to Request No. 4 is denied, without prejudice to rehearing if drafts of the subject Steve Jobs essay are referenced by Mr. Jobs in his deposition in this case.

Plaintiffs' Motion is granted as to Request No. 5. Apple shall produce all documents responsive to this request, which were recently produced in the case entitled Bridgeport Music, Inc. v. UMG Recordings, Inc., USDC Case No. 1:05-CV-06430 VM (JCF) (S.D.N.Y.).

Plaintiffs' Motion is denied as to Request No. 6.

Plaintiffs' Motion is denied as to Request No. 7.

Plaintiffs' Motion is denied as to Request No. 8.

Plaintiffs' Motion is granted as to Request No. 9. Apple shall produce all music download reports for Eminem content. The production shall be made by no later than May 9, 2008.

The Court schedules a follow-up telephonic status conference at 1:00 p.m. on Thursday, May 1, 2008. The Court will initiate the call with counsel.

IT IS SO ORDERED.

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